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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 GAVIN SANTJER,

7 Plaintiff,

8 v.

9 RHINO NORTHWEST, LLC, and
10 JOHN DOES 1-5,

11 Defendants.

C18-456 TSZ

MINUTE ORDER

12 The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14 (1) Defendant Rhino Northwest LLC's motion for summary judgment, docket
15 no. 16, is DENIED. There are genuine issues of material fact as to whether Rhino
16 Northwest, LLC's employees were "borrowed servants" of First & Goal at the time of
17 plaintiff's injury. *See Davis v. Early Const. Co.*, 63 Wn.2d 252 (1963); *Campbell v.*
18 *State*, 129 Wn. App. 10, 21 (2005) (key factor is whether the servant is in the "exclusive
19 control of the special employer at the time of the transaction.") Plaintiff has also
20 presented issues of fact regarding the elements of causation and duty in his negligence
21 claim. *See* Santjer Decl., docket no. 21, ¶¶ 7-10.

22 (2) The Court DIRECTS the parties to mediate this case by July 22, 2019.

23 (3) The parties are DIRECTED to show cause by July 5, 2019, why the John
Does 1-5 defendants should not be dismissed without prejudice.

(4) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

Dated this 18th day of June, 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk